

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE Western DISTRICT OF TEXAS
San Antonio DIVISION

MAY 28 2020

Matthew Hoggan # 1090721
Plaintiff's Name and ID Number

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY nm
DEPUTY

Bexar County Adult Detention Center 200 N. Canal ST San Antonio TX 78207
Place of Confinement

SA200640652
CASE NO. (Clerk will assign the number)

v.

DAE

Bexar County Adult Detention Center 200 N. Canal ST San Antonio TX 78207
Defendant's Name and Address

Bexar County Sheriff Deputy Chief Walker 200 N. Canal ST San Antonio TX 78207
Defendant's Name and Address

Bexar County of the State of Texas
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus a administrative fee of \$50.00 for a total fee of \$400.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuit in state or federal court relating to your imprisonment? XYES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: March 2019
 2. Parties to previous lawsuit:

Plaintiff(s) Matthew Hogan

Defendant(s) Bexar County Sheriff Javier Salazar & Bexar County
 3. Court: (If federal, name the district; if state, name the county.) Western District of Texas
 4. Cause number: SA-19-CV-255-DAE / 5:19CV255DAE
 5. Name of judge to whom case was assigned: David Alan @ Ezra
 6. Disposition: (Was the case dismissed, appealed, still pending?) Pending
 7. Approximate date of disposition: N/A

- II. PLACE OF PRESENT CONFINEMENT: Bexar County Adult Detention Center
- III. EXHAUSTION OF GRIEVANCE PROCEDURES:
Have you exhausted all steps of the institutional grievance procedure? X YES NO
Attach a copy of your final step of the grievance procedure with the response supplied by the institution

IV. PARTIES TO THIS SUIT:

- A. Name and address of plaintiff: Matthew Hogan #1090721
200 N. Comal ST, San Antonio, Texas 78207
- B. Full name of each defendant, his official position, his place of employment, and his full mailing address.
(Official + unofficial capacity)
- Defendant #1: Bexar County Sheriff Deputy Chief Walker (Chief of Detention / Assistant Jail Administrator) 200 N. Comal ST San Antonio TX 78207
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
See Attached Document
- Defendant #2: Bexar County Adult Detention Center
200 N. Comal ST San Antonio TX 78207
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
See Attached Document
- Defendant #3: Bexar County Adult Detention Center Jail Administration
200 N. Comal ST San Antonio TX 78207
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
See Attached Document
- Defendant #4: Bexar County of the State of Texas
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
See attached Document
- Defendant #5: ~~Comal County Sheriff's Office~~ 14
~~San Antonio~~ 78207 14
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
~~See Attached Document~~ 14

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Please see attached ~~document~~ ^{1/5} document. (Plaintiff's 1983 Complaint)

~~Plaintiff's 1983 Complaint~~ ^{1/5}

Please also see log of Attempts to Resolve through Jail Administration and in house Remedies.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

See "Relief Sought" section of attached 6 page document titled "Plaintiff's 1983 Complaint"

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Matthew Hogan, Matthew Ryan Hogan

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

Kerr County 56480, Bexar County 1090721, Karnes City Correctional Center 001090721

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES X NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

- C. Has any court ever warned or notified you that sanctions could be imposed? X YES NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): Western District of Texas
 2. Case number: 5:19CV255DAE
 3. Approximate date warning was issued: 12/17/2019 (For Meritless Motions)

5/18/2020
 Executed on: ~~5/18/2020~~
 DATE

Matthew Hogan
~~Matthew Hogan~~
 (Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 18 day of May, 20 20
 (Day) (month) (year)

Matthew Hogan
~~Matthew Hogan~~
 (Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

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* Plaintiff's 1983 Complaint *

- Complaint against Bexar County Sheriff Deputy Chief Walker (Chief of Detention and Assistant Jail Administrator) and Bexar County Adult Detention Center Jail Administrator and Bexar County Adult Detention Center, and Bexar County of the State of Texas

1.) - At approximately 2330 on February 10th, 2020 the Jail Administration and assistant Jail Administrator Chief Walker ordered that the Plaintiff: Matthew Hagar be housed in Unit B3 cell 04 under administrative segregation/solitary confinement where the Plaintiff is still presently (5/18/2020) housed. The conditions of this unit are restricted in a disciplinary sense. The Plaintiff is only permitted 1 hour out of his cell per day (23 and 1) Sometimes exceeding 30-36 hours in between the last time the plaintiff was allowed out of his cell. The Plaintiff is not permitted television privileges, the Plaintiff's commissary ordering menu is restricted compared to that of General Populations, the Plaintiff is prohibited from attending any classes to better himself, and is not allowed physical access to the law library (preventing the plaintiff from being able to do case law research). The Plaintiff has been subjected to disciplinary action without ever being sanctioned as a result of a disciplinary write up. The Plaintiff is a Pre-trial Detainee who has NOT been sentenced or found guilty in court. Nor has the Plaintiff ever been found guilty of any ~~disc~~ disciplinary offense since he has been Detained in Bexar County Adult Detention Center which has been since October of 2017. Therefore the Plaintiff has never done anything to justify an increase of his custody level. The Plaintiff also asserts that he is deprived of social interaction with others as a result of the ~~AD~~ Administrative Segregation/Solitary Confinement.

The Plaintiff also asserts this claim may constitute retaliation for his other 1983 Complaint SA-19-CV-255-DAE but will leave that determination to the courts

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- Injuries and Violation of Civil Rights

~~Emotional Distress~~

The events described in the Plaintiff's complaint violate the Plaintiff's civil rights. Specifically his rights against Punishment as a Pretrial Detainee, his rights against Cruel and Unusual Punishment, and his rights that permit him to access to legal materials and research while involved in pending litigation (including a separate 1983 complaint and criminal proceedings).

Plaintiff Asserts this may constitute retaliation for his other 1983 but will leave that determination to the Court

- Sought Relief from 1983 Claim

- 1.) Monetary Relief is sought in the amount of \$500,000 from Bexar County
- 2.) Monetary Relief is sought in the amount of \$250,000 From Bexar County Sheriff Deputy Chief Wilker, chief of Detention and assistant Jail Administrator. (Official + another)
- 3.) Monetary Relief is sought in the Amount of \$250,000 from Bexar County Adult Detention Center's Jail Administration.
- 4.) Monetary ~~Relief~~ Relief is sought in the Amount of \$250,000 From the Bexar County Adult Detention Center.

(All amounts listed in # 1-4 are also open to an amount deemed fair by the courts as well) Total Monetary Claim Comes to ~~\$2,500,000~~ ^{to} \$5,750,000.

5.) Plaintiff also seeks a ruling that the events listed in the claims to be a punishment of a pretrial detainee/punitive conditions of a pretrial detainee, and/or any ruling with a declaration stating this constituted punishment.

6.) An order to remove me from Ad-Seg/Solitary Confinement

Respectfully Submitted,

Plaintiff: Matthew Hogan

M. Hogan

5/18/2020

Log of Attempts to Resolve through Jail Administration and Inhouse Remedies/events.

2/10/2020 - Housed in BT-04

2/13/2020 - Wrote ~~SGT~~ SGT's OFFICE asking why I am housed in BT

2/15/2020 - Wrote Classification asking why I am housed in BT

2/19/2020 - Respons Received From SGT Hopes stating "You are housed under administrative Segregation Per Asst Jail Administrator Chief Walker address all questions to Chief Walker and Jail Administration". (This was submitted as an exhibit to SA-19-CV-255-DAE)

2/19/2020 - Wrote Chief Walker and Jail administration inquiring why I am housed in BT under ad-seg and asserting a violation of my rights

2/29/2020 - Wrote Grievance about being housed in BT under Ad-Seg.

3/7/2020 - Wrote Chief Walker + Jail administration again about why I am housed in BT - Because I never received a response from 2/18/2020 inquiry.

3/15/2020 - Received Notice from Grievance Department saying they were investigating my grievances.

3/23/2020 - Lt. Wurl (maybe spelled Whurl) a Jail Administrator came to see me and said he was with the Jail administration and was sent to see me. I explained my complaint about being illegally housed in BT stating I want to go back to general Population and asking about my missing \$200. He told me he would look into rehousing me to general population and into my missing money and would come back in a couple days but never did.

3/25/2020 or 3/26/2020 - I spoke with Class Officer Jordan who informed me I would remain in BT until I leave Bexar County Per Jail Admin and Chief Walker.

4/9/2020 - Grievance Response Received

4/9/2020 - Appeal Submitted on Grievance Response Received, to Jail Admin

BEXAR COUNTY ADULT DETENTION CENTER

INMATE'S GRIEVANCE FORM

NAME Matthew D. Hogan SID # 1090721 DOB 5/11/1992

INCIDENT DATE 2/29/2020 DATE/TIME 2/10/2020 - current HOUSING UNIT BT-04

State incident or problem as clearly and briefly as possible. (Use additional forms or plain paper if necessary). Place form in the box marked Grievance, the unit mail box or give to Living Unit Officer. You will receive your response through the mail. You can obtain additional grievance forms from Living Unit Officer. Do not attach any items or materials to grievance form.

I am being housed in BT under ad-seg and was told the only person(s) I can address this matter with is Chief rather and Jail-admin. Putting me in ad-seg is direct retaliation for my civil suit as well as cruel and unusual punishment considering I have done nothing to increase my custody level. Bexar County is further violating my rights.

PROPOSED SOLUTION TO PROBLEM Place me in Central County where I have a bond

INMATE'S SIGNATURE

***** FOR OFFICIAL USE ONLY * DO NOT WRITE BELOW THIS LINE *****

RECEIVED BY [Signature] DATE 3/2/20 CASE # 80-561 CODE 50

INVESTIGATED BY [Signature]

REFERRED TO [Signature]

REJECTED (Include rationale for reject in response)

NO ACTION REQUIRED (Include reason in response)

GRIEVANCE SUMMARY RESPONSE

Grievance Sec'd
MAR 30 2020
Delivered to mailroom

PROCESSED BY [Signature] Grievance Officer REVIEWED BY [Signature] Grievance Supervisor

WHITE COPY TO FILE
CANARY COPY RETURNED TO INMATE WITH RESPONSE
PINK COPY RETAINED BY INMATE

Date: 3/2/20

FORM 351-44 (8/11)

@ 1430-1500 Received 4/9/2020 From CPL Patten 2794

BEXAR COUNTY ADULT DETENTION CENTER

INMATE'S GRIEVANCE FORM

NAME Matthew Hogan SID # 1090721 DOB 5/11/92

DATE 2/29/2020 INCIDENT DATE/TIME 2/10/2020 - Current HOUSING UNIT B3-04

State incident or problem as clearly and briefly as possible. (Use additional forms or plain paper if necessary). Place form in the box marked Grievance, the unit mail box or give to Living Unit Officer. You will receive your response through the mail. You can obtain additional grievance forms from Living Unit Officer. Do not attach any items or materials to grievance form.

- 1.) I am denied access to the law library violating my first amendment right. No matter what housing I am in I am entitled to access to the law library and I am not being provided with the opportunity to go there.
- 2.) I had money on my books at Kanas City Correctional Center they said they would mail out my check on 2/11/2020 and refund the commissary order I placed I have not received my \$200.
- 3.) I am denied normal Privileges despite never having a disciplinary sanction.

PROPOSED SOLUTION TO PROBLEM

Get me my \$200. Relocate me to Corral provide access (physical) to the law library.

INMATE'S SIGNATURE

***** FOR OFFICIAL USE ONLY * DO NOT WRITE BELOW THIS LINE *****

RECEIVED BY S. Peltier DATE 3-2-20 CASE # 80-501 CODE 20

INVESTIGATED BY SA KDS **Grievance Section**
 REFERRED TO SA KDS **MAR 30 2020**
 REJECTED (Include rationale for reject in response) Delivered to Mailroom
 NO ACTION REQUIRED (Include reason in response) T of 2

GRIEVANCE SUMMARY RESPONSE

You may submit a Blue form to request legal material. Law library is not afforded daily in any kind of BSO. Information Address your request to relocate to Corral City at the Corral. And written request to Kanas City about the refund. Your deposits are follow up with Kanas City about the refund. Housed in B3 per Administration order.

PROCESSED BY [Signature] Grievance Officer REVIEWED BY [Signature] Grievance Supervisor

WHITE COPY TO FILE
 CANARY COPY RETURNED TO INMATE WITH RESPONSE
 PINK COPY RETAINED BY INMATE

Date: 3/30/2020

FORM 351-44 (8/11)

@1430-1500

Received 4/9/2020

From CR - Puhon 2794

BEXAR COUNTY ADULT DETENTION CENTER

INMATE'S GRIEVANCE FORM

NAME Matt Law Hagan SID # 1090721 DOB 5/11/92

DATE 4/9/2020 INCIDENT DATE/TIME Appeal 20-561 HOUSING UNIT BJ-04

State incident or problem as clearly and briefly as possible. (use additional forms or plain paper if necessary.) Place form in the box marked Grievance, the unit mail box or give to Living Unit Officer. You will receive your response through the mail. You can obtain additional grievance forms from Living Unit Officer. Do not attach any items or materials to grievance form.

Response was received on 4/9/2020 from Cpt Porter # 2794 @ 1430-1440

1) Being Denied access to law library Daily during pending litigation violates my rights

2) I am Illegally housed in Ad-Seg/ Solitary Confinement Despite the fact I have never been sanctioned for disruptive action to provide cause to restrict my privileges or increase my custody level. Solitary Confinement is Illegal in Texas Violating my civil rights. Consider this exhaustion of the Administrative system

PROPOSED SOLUTION TO PROBLEM

Remove me from Ad-Seg + Provide law library Access

INMATE'S SIGNATURE

*****FOR OFFICIAL USE ONLY * DO NOT WRITE BELOW THIS LINE *****

RECEIVED BY C. L. Porter DATE 4/12/20 CASE # 20-913 CODE 41

INVESTIGATED BY Sgt 11018

REFERRED TO Sgt 11018 DATE 4/12/20

REJECTED (Include rational for reject in response)

NO ACTION REQUIRED (Include reason in response)

Grievance

APR 30 2020

Delivered to Mail

GRIEVANCE SUMMARY RESPONSE

Refer to inmate handbook information regarding grievance process. This grievance was completed for an appeal since it does not meet the criteria. Refer to rule 20-229 for further information. Address housing issue with your attorney. The current housing is per Admin Directive.

PROCESSED BY [Signature] Grievance Officer

REVIEWED BY [Signature] Grievance Supervisor

Date: 4/12/2020

GREEN COPY TO FILE
WHITE COPY TO REFERRED SECTION
GOLD COPY RETURNED TO INMATE WITH RESPONSE
PINK COPY RETAINED BY INMATE

FORM 351-44 (8-11)

~~Pauper's~~ Pauper's Oath

To the Honorable Judge of Said Court:

Come now, Matthew Hogan Plaintiff in the above
Styled and numbered 1983 complaint who deposes and
says: That he is a citizen of the United States,
and is the Plaintiff in the cause and feels he has
a good and just cause of action; that he is
an indigent person without funds and he is
therefore unable to pay the costs of prosecuting
the above and foregoing action or to give security
thereof, and therefore requests the court's permission
to proceed in forma pauperis.

Respectfully Submitted,
Plaintiff: Matthew Hogan
Matt Hogan